

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ETC SUNOCO HOLDINGS LLC)	
(formerly known as SUNOCO, INC.),)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cv-2981
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

**PLAINTIFF’S UNOPPOSED MOTION TO EXTEND TIME
TO RESPOND TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

Plaintiff ETC Sunoco Holdings LLC (“Sunoco”) requests that this Court extend the time for Sunoco to respond to the motion for summary judgment filed by Defendant until twenty-one (21) days after a decision in *Exxon Mobil Corp. v. United States*, U.S. Court of Appeals for the Fifth Circuit, Appeal No. 21-10373, or in the alternative, twenty-one (21) days following this Court’s denial of Sunoco’s motion to stay proceedings. The grounds for this motion are as follows:

1. Defendant filed its motion for summary judgment on May 5, 2021. Defendant’s motion requests that this Court apply collateral estoppel to prevent Sunoco from seeking a refund of federal income tax for its tax years 2010 and 2011.
2. Pursuant to the default rule in Local Rule 7.1(e), Sunoco’s response to Defendant’s motion is due in 21 days, so on or before May 26, 2021.
3. Sunoco filed its motion to stay proceedings on May 14, 2021, requesting this Court stay proceedings pending the final determination of *Exxon* in the U.S. Court of Appeals for the Fifth Circuit.

4. Sunoco requests that this Court extend the date for Sunoco's response to Defendant's motion for summary judgment to provide this Court time to consider Sunoco's motion to stay.

5. As reflected in the Certificate of Conference, the Defendant does not oppose this request.

WHEREFORE, Sunoco respectfully requests that this Court extend the time for Sunoco to respond to Defendant's motion for summary judgment.

Dated: May 24, 2021

Respectfully submitted,

/s/ Vivek A. Patel

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(f/k/a SUNOCO, INC.)**

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1, I certify that on May 21, 2021 and May 24, 2021, I conferred with Jonathan L. Blacker, counsel for Defendant, and the parties agreed that Sunoco's motion for stay should be decided prior to Sunoco responding to Defendant's motion for summary judgment, if necessary. Thus, Defendant does not oppose the relief sought.

/s/ Vivek A. Patel
Vivek A. Patel

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served upon all counsel of record upon its filing via this Court's CM/ECF electronic case filing system on May 24, 2021.

/s/ Vivek A. Patel
Vivek A. Patel